(A) The child is accompanied by a parent, guardian, or attendant designated by the child's parent or guardian to attend to the safety of the child during the flight;

(B) Except as provided in paragraph (a)(3)(iii)(B)(*4*) of this action, the approved child restraint system bears one or more labels as follows:

(*1*) Seats manufactured to U.S. standards between January 1, 1981, and February 25, 1985, must bear the label: ''This child restraint system conforms to all applicable Federal motor vehicle safety standards'';

(*2*) Seats manufactured to U.S. standards on or after February 26, 1985, must bear two labels:

(*i*) ''This child restraint system conforms to all applicable Federal motor vehicle safety standards''; and

(*ii*) ''THIS RESTRAINT IS CERTIFIED FOR USE IN MOTOR VEHICLES AND AIRCRAFT'' in red lettering;

(*3*) Seats that do not qualify under paragraphs (a)(3)(iii)(B)(*1*) and (a)(3)(iii)(B)(*2*) of this section must bear a label or markings showing:

(*i*) That the seat was approved by a foreign government;

(*ii*) That the seat was manufactured under the standards of the United Nations; or

(*iii*) That the seat or child restraint device furnished by the operator was approved by the FAA through Type Certificate or Supplemental Type Certificate.

(*iv*) That the seat or child restraint device furnished by the operator, or one of the persons described in paragraph (a)(3)(iii)(A) of this section, was approved by the FAA in accordance with § 21.8 or Technical Standard Order C–100b, or a later version.

(*4*) Except as provided in § 91.107(a)(3)(iii)(B)(*3*)(*iii*) and § 91.107(a)(3)(iii)(B)(*3*)(*iv*), booster-type child restraint systems (as defined in Federal Motor Vehicle Safety Standard No. 213 (49 CFR 571.213)), vest- and harness-type child restraint systems, and lap held child restraints are not approved for use in aircraft; and

(C) The operator complies with the following requirements:

(*1*) The restraint system must be properly secured to an approved forward-facing seat or berth;

(*2*) The child must be properly secured in the restraint system and must not exceed the specified weight limit for the restraint system; and

(*3*) The restraint system must bear the appropriate label(s).

(b) Unless otherwise stated, this section does not apply to operations conducted under part 121, 125, or 135 of this chapter. Paragraph (a)(3) of this section does not apply to persons subject to § 91.105.

[Doc. No. 26142, 57 FR 42671, Sept. 15, 1992, as amended by Amdt. 91–250, 61 FR 28421, June 4, 1996; Amdt. 91–289, 70 FR 50906, Aug. 26, 2005; Amdt. 91–292, 71 FR 40009, July 14, 2006; Amdt. 91–317, 75 FR 48857, Aug. 12, 2010]

§ 91.109 Flight instruction; Simulated instrument flight and certain flight tests.

(a) No person may operate a civil aircraft (except a manned free balloon) that is being used for flight instruction unless that aircraft has fully functioning dual controls. However, instrument flight instruction may be given in an airplane that is equipped with a single, functioning throwover control wheel that controls the elevator and ailerons, in place of fixed, dual controls, when—

(1) The instructor has determined that the flight can be conducted safely; and

(2) The person manipulating the controls has at least a private pilot certificate with appropriate category and class ratings.

(b) An airplane equipped with a single, functioning throwover control wheel that controls the elevator and ailerons, in place of fixed, dual controls may be used for flight instruction to conduct a flight review required by § 61.56 of this chapter, or to obtain recent flight experience or an instrument proficiency check required by § 61.57 when—

(1) The airplane is equipped with operable rudder pedals at both pilot stations;

(2) The pilot manipulating the controls is qualified to serve and serves as pilot in command during the entire flight;

(3) The instructor is current and qualified to serve as pilot in command of the airplane, meets the requirements of §61.195(b), and has logged at least 25 hours of pilot-in-command flight time in the make and model of airplane; and

(4) The pilot in command and the instructor have determined the flight can be conducted safely.

(c) No person may operate a civil aircraft in simulated instrument flight unless—

(1) The other control seat is occupied by a safety pilot who possesses at least a private pilot certificate with category and class ratings appropriate to the aircraft being flown.

(2) The safety pilot has adequate vision forward and to each side of the aircraft, or a competent observer in the aircraft adequately supplements the vision of the safety pilot; and

(3) Except in the case of lighter-than-air aircraft, that aircraft is equipped with fully functioning dual controls. However, simulated instrument flight may be conducted in a single-engine airplane, equipped with a single, functioning, throwover control wheel, in place of fixed, dual controls of the elevator and ailerons, when—

(i) The safety pilot has determined that the flight can be conducted safely; and

(ii) The person manipulating the controls has at least a private pilot certificate with appropriate category and class ratings.

(d) No person may operate a civil aircraft that is being used for a flight test for an airline transport pilot certificate or a class or type rating on that certificate, or for a part 121 proficiency flight test, unless the pilot seated at the controls, other than the pilot being checked, is fully qualified to act as pilot in command of the aircraft.

[Doc. No. 18334, 54 FR 34294, Aug. 18, 1989, as amended by Amdt. 91–324, 76 FR 54107, Aug. 31, 2011]

§91.111 Operating near other aircraft.

(a) No person may operate an aircraft so close to another aircraft as to create a collision hazard.

(b) No person may operate an aircraft in formation flight except by arrangement with the pilot in command of each aircraft in the formation.

(c) No person may operate an aircraft, carrying passengers for hire, in formation flight.

§91.113 Right-of-way rules: Except water operations.

(a) *Inapplicability.* This section does not apply to the operation of an aircraft on water.

(b) *General.* When weather conditions permit, regardless of whether an operation is conducted under instrument flight rules or visual flight rules, vigilance shall be maintained by each person operating an aircraft so as to see and avoid other aircraft. When a rule of this section gives another aircraft the right-of-way, the pilot shall give way to that aircraft and may not pass over, under, or ahead of it unless well clear.

(c) *In distress.* An aircraft in distress has the right-of-way over all other air traffic.

(d) *Converging.* When aircraft of the same category are converging at approximately the same altitude (except head-on, or nearly so), the aircraft to the other's right has the right-of-way. If the aircraft are of different categories—

(1) A balloon has the right-of-way over any other category of aircraft;

(2) A glider has the right-of-way over an airship, powered parachute, weight-shift-control aircraft, airplane, or rotorcraft.

(3) An airship has the right-of-way over a powered parachute, weight-shift-control aircraft, airplane, or rotorcraft.

However, an aircraft towing or refueling other aircraft has the right-of-way over all other engine-driven aircraft.

(e) *Approaching head-on.* When aircraft are approaching each other head-on, or nearly so, each pilot of each aircraft shall alter course to the right.

(f) *Overtaking.* Each aircraft that is being overtaken has the right-of-way and each pilot of an overtaking aircraft shall alter course to the right to pass well clear.

(g) *Landing.* Aircraft, while on final approach to land or while landing, have the right-of-way over other aircraft in flight or operating on the surface, except that they shall not take advantage of this rule to force an aircraft off